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16 July 1981

DD/A Registry

81-08387

OGC Has Reviewed

MEMORANDUM FOR: Deputy Director for Administration

FROM: [REDACTED]

Office of General Counsel

DD/A REGISTRY

FILE: *Liaison*SUBJECT: Transfer of Responsibility [REDACTED]
from the General Services Administration (GSA)
to CIAREFERENCE: Memorandum for DCI from DDA undated,
on same subject

1. Referent memorandum recommends that the Agency request GSA to issue a revocable permit [REDACTED] which would transfer operational responsibility for that building to this Agency. This revocable permit would be sought under the authority of 40 U.S.C. §486, which permits GSA to delegate any of its management or operational responsibilities "to any executive agency." Such delegations can only be made with "the consent of the executive agency concerned."

2. This Office has no objection to the proposed transfer of operational functions, and believes that the requisite authority for such a transfer clearly exists as noted above. The form of the agreement embodying this transfer of functions should be carefully considered, however, in order to avoid any compromise or impairment of Agency authorities with respect to the Headquarters or other Agency controlled facilities.

3. The 1949 Federal Property Act provides GSA with broad authority to perform "all functions then vested in any other Federal Agency with respect to the operation, maintenance, and custody of any office building owned by the United States." 40 U.S.C. §490(d). The authority provided GSA in this regard, however, is explicitly stated to in no way "impair or affect any authority of the Central Intelligence Agency." 40 U.S.C. §474 (D). In addition, buildings utilized predominantly for the special purposes of an agency which are not generally suitable for use by other agencies are exempted from the above transfer of functions to GSA. The Agency has argued in the past that [REDACTED] was converted to a special purpose facility when the Agency expended \$12.2 million of its appropriations in 1961 to transform the building into a facility uniquely suited for the processing of photographic intelligence. While GSA has not accepted this argument, the continued ability of the Agency to assert this "special purpose" facility exemption should be preserved by avoiding any concession or language in the proposed agreement which compromises or undermines this position.

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4. Similar caution should be exercised in making any
general reference to GSA or CIA building or operational
OGC authorities in this agreement.

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